Please delete pages 42-49 of the specification containing the Sequence Listing. Please renumber the remaining pages of the specification, beginning with the claims, consecutively from page 42. Please insert the Substitute Sequence Listing enclosed herewith immediately after the abstract.

REMARKS

SEQUENCE LISTING

Enclosed herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a Substitute Sequence Listing to be inserted into the specification as indicated above. The Substitute Sequence Listing in no way introduces new matter into the specification. Also submitted herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a disk copy of the Substitute Sequence Listing. The disk copy of the Sequence Listing, file "0020-4491P.app", is identical to the paper copy, except that it lacks formatting.

The amendments to the specification are made to reference the sequences by their correct SEQ ID NOS. No new matter is introduced from these amendments.

RESTRICTION REQUIREMENT

Applicants elect Group II, claims 6-9 and 12-13 with traverse.

The Examiner argues that Groups I and II are distinct because the proteins of Group II can be made without the genes of

Group I, and because the DNA of Group I is distinct from Groups II and III in terms of chemical structure, function, and therapeutic effect. Applicants respectfully disagree, and submit that these arguments are irrelevant to restriction practice under PCT Rules 13.1 and 13.2.

Applicants respectfully submit that the subject matter of Groups I through III are linked as forming a single general inventive concept under PCT Rule 13.1 because they possess the same or corresponding special technical features. The special technical feature of this invention is DNA encoding tumor antigen proteins, which is represented by the claims of Group I. The genes of Group I encode the proteins of Group II. As such, at least the claims of Groups I-II should be rejoined. Similarly, the proteins encoded by the genes of Group I can be bound to the antibodies of Group III.

Applicants draw the Examiner's attention to Annex B (PCT Administrative Instructions) of the MPEP wherein example 17 of page AI-43 clearly states that a protein and the DNA encoding said protein are linked by a unity of invention.

> "Expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. The protein and the DNA sequence exhibit corresponding special technical features. Unity between claims 1 [Protein X] and 2 [DNA sequence encoding protein X] is accepted."

As such, the Examiner is required to examine a protein and the DNA sequence encoding said protein together. As such, Groups II

and I must be rejoined.

For all of the above reasons, Applicants respectfully request that the restriction requirement be withdrawn, and Groups I through III be recombined. An early and favorable action on the merits of the present application is earnestly solicited.

If the Examiner has any questions concerning this application, the Examiner is requested to contact the Kristi L. Rupert, Ph.D. (Reg. No. P-45,702) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: _____ #32981

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Attachments: Disk Copy of Sequence Listing
Paper Copy of Sequence Listing
Copy of Notice to Comply

GMM/KLR/CAV